

of S. 304, a bill to amend the Internal Revenue Code of 1986 to repeal the transportation fuels tax applicable to commercial aviation.

S. 442

At the request of Ms. SNOWE, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 442, a bill to improve and strengthen the child support collection system, and for other purposes.

S. 448

At the request of Mr. GRASSLEY, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 448, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes.

#### SENATE CONCURRENT RESOLUTION 3

At the request of Mr. SIMON, the names of the Senator from Wyoming [Mr. SIMPSON], the Senator from Utah [Mr. HATCH], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Concurrent Resolution 3, a concurrent resolution relative to Taiwan and the United Nations.

### ADDITIONAL STATEMENTS

#### FLAT TAX ACT

• Mr. SPECTER. Mr. President, I ask that the text of my bill, S. 488, the Flat Tax Act of 1995, which I introduced on March 2, 1995, be printed in today's RECORD. The bill was inadvertently not printed in the RECORD on March 2, 1995, when it was introduced.

The bill follows:

S. 488

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. INDIVIDUALS TAXED ONLY ON EARNED INCOME.

(a) IN GENERAL.—Section 1 of the Internal Revenue Code of 1986 is amended to read as follows:

##### "SECTION 1. TAX IMPOSED.

"(a) IMPOSITION OF TAX.—There is hereby imposed on the income of every individual a tax equal to 20 percent of the excess (if any) of—

"(1) the taxable earned income received or accrued during the taxable year, over

"(2) the standard deduction (as defined in section 63) for such taxable year.

"(b) TAXABLE EARNED INCOME.—For purposes of this section, the term 'taxable earned income' means the excess (if any) of earned income (as defined in section 911(d)(2)) over the foreign earned income (as defined in section 911(b)(1))."

(b) INCREASE IN STANDARD DEDUCTION.—Section 63 of such Code is amended to read as follows:

##### "SEC. 63. STANDARD DEDUCTION.

"(a) IN GENERAL.—For purposes of this subtitle, the term 'standard deduction' means the sum of—

"(1) the basic standard deduction, plus

"(2) the additional standard deduction.

"(b) BASIC STANDARD DEDUCTION.—For purposes of subsection (a), the basic standard deduction is—

"(1) \$16,500 in the case of—

"(A) a joint return, and

"(B) a surviving spouse (as defined in section 2(a)),

"(2) \$14,000 in the case of a head of household (as defined in section 2(b)), and

"(3) \$9,500 in the case of an individual—

"(A) who is not married and who is not a surviving spouse or head of household, or

"(B) who is a married individual filing a separate return.

"(c) ADDITIONAL STANDARD DEDUCTION.—For purposes of subsection (a), the additional standard deduction is \$4,500 for each dependent (as defined in section 152) described in section 151(c)(1) for the taxable year.

"(d) INFLATION ADJUSTMENT.—

"(1) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 1995, each dollar amount contained in subsections (b) and (c) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 1994' for 'calendar year 1992' in subparagraph (B) of such section.

"(2) ROUNDING.—If any increase determined under paragraph (1) is not a multiple of \$50, such amount shall be rounded to the next lowest multiple of \$50."

#### SEC. 2. INCOME TAX DEDUCTION FOR CASH CHARITABLE CONTRIBUTIONS.

(a) IN GENERAL.—Subsection (a) of section 170 of the Internal Revenue Code of 1986 (relating to charitable, etc., contributions and gifts) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

"(1) GENERAL RULE.—There shall be allowed as a deduction any charitable contribution (as defined in subsection (c)) not to exceed \$2,500 (\$1,250, in the case of a married individual filing a separate return), payment of which is made within the taxable year,"

and

(2) by striking paragraph (3).

(b) CONFORMING AMENDMENTS.—

(1) Section 170(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(3) TERMINATION OF SUBSECTION.—This subsection shall not apply to taxable years beginning after December 31, 1995."

(2) Section 170(c) of such Code is amended by inserting "of cash or its equivalent" after "means a contribution or gift".

(3) Subsections (d) and (e) of section 170 of such Code are repealed.

(4) Section 170(f) of such Code is amended by striking paragraphs (1) through (7) and by redesignating paragraphs (8) and (9) as paragraphs (1) and (2), respectively.

(5) Subsections (h) and (i) of section 170 of such Code are repealed.

#### SEC. 3. LIMITATION OF HOME MORTGAGE DEDUCTION TO ACQUISITION INDEBTEDNESS.

Paragraph (3) of section 163(h) of the Internal Revenue Code of 1986 (relating to interest) is amended—

(1) by striking subparagraphs (A), (C), and (D) and inserting before subparagraph (B) the following new subparagraph:

"(A) IN GENERAL.—The term 'qualified residence interest' means any interest which is paid or accrued during the taxable year on acquisition indebtedness with respect to any qualified residence of the taxpayer. For purposes of the preceding sentence, the determination of whether any property is a qualified residence of the taxpayer shall be made as of the time the interest is accrued,"

(2) by striking "\$1,000,000" each place it appears and "\$500,000" in subparagraph (B)(ii)

and inserting "\$100,000" and "\$50,000", respectively.

#### SEC. 4. MODIFICATION OF TAX ON BUSINESS ACTIVITIES.

Section 11 of the Internal Revenue Code of 1986 (relating to tax imposed on corporations) is amended to read as follows:

##### "SEC. 11. TAX IMPOSED ON BUSINESS ACTIVITIES.

"(a) TAX IMPOSED.—There is hereby imposed on every person engaged in a business activity a tax equal to 20 percent of the business taxable income of such person.

"(b) LIABILITY FOR TAX.—The tax imposed by this section shall be paid by the person engaged in the business activity, whether such person is an individual, partnership, corporation, or otherwise.

"(c) BUSINESS TAXABLE INCOME.—

"(1) IN GENERAL.—For purposes of this section, the term 'business taxable income' means gross active income reduced by the deductions specified in subsection (d).

"(2) GROSS ACTIVE INCOME.—For purposes of paragraph (1), the term 'gross active income' means gross income other than investment income.

"(d) DEDUCTIONS.—

"(1) IN GENERAL.—The deductions specified in this subsection are—

"(A) the cost of business inputs for the business activity,

"(B) the compensation (including contributions to qualified retirement plans but not including other fringe benefits) paid for employees performing services in such activity, and

"(C) the cost of tangible personal and real property used in such activity.

"(2) BUSINESS INPUTS.—For purposes of subparagraph (A), the term 'cost of business inputs' means—

"(A) the actual amount paid for goods, services, and materials, whether or not resold during the taxable year,

"(B) the fair market value of business inputs brought into the United States, and

"(C) the actual cost, if reasonable, of travel and entertainment expenses for business purposes.

Such term shall not include purchases of goods and services provided to employees or owners.

"(e) CARRYOVER OF EXCESS DEDUCTIONS.—

"(1) IN GENERAL.—If the aggregate deductions for any taxable year exceed the gross active income for such taxable year, the amount of the deductions specified in subsection (d) for the succeeding taxable year (determined without regard to this subsection) shall be increased by the sum of—

"(A) such excess, plus

"(B) the product of such excess and the 3-month Treasury rate for the last month of such taxable year.

"(2) 3-MONTH TREASURY RATE.—For purposes of paragraph (1), the 3-month Treasury rate is the rate determined by the Secretary based on the average market yield (during any 1-month period selected by the Secretary and ending in the calendar month in which the determination is made) on outstanding marketable obligations of the United States with remaining periods to maturity of 3 months or less."

#### SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning after December 31, 1995.●

### THE SENATE WITHOUT SENATOR METZENBAUM

• Mr. SIMON. Mr. President, it has been only 2 months since the retirement of our former colleague, Senator

Howard Metzenbaum of Ohio, but already it is clearly apparent that his unique role remains unfilled in this body.

None of the phrases coined to describe Howard Metzenbaum—"The People's Watchdog," The Tiger From Ohio—quite does justice to the real service he performed for the public and for the Republic in his duties here.

Someone of his stature, courage, and sheer persistence comes to the fore all too infrequently in public life today.

I commend to my colleagues, and to all others who care about this institution, an article written in the closing days of Howard Metzenbaum's Senate service that adds some historic perspective to his distinguished career. I ask that the article be printed in the RECORD.

The article follows:

[From the Cleveland Plain Dealer, Dec. 4, 1994]

HOWARD'S END

(By Thom Diemer)

Metzenbaum was true to form through his last days in the Senate. His leaving was like a fingernail scratching a chalkboard.

He always had a chip on his shoulder.

His pursed-lipped scowl could intimidate a trash-talking bureaucrat or unnerve an imperious Republican. He knew he had the edge, he confided to aides, once his adversary got angry.

Howard Metzenbaum was true to form through his last days in the United States Senate. He went out with neither a bang nor a whimper. His leaving was more like a fingernail scratching a chalkboard.

Some of his colleagues squirmed as Metzenbaum battled for one last lost cause. But most shrugged or grinned, saying in so many words, "That's Howard."

In a special lame-duck Senate session on Thursday, Metzenbaum railed against the General Agreement on Tariffs and Trade, saying it was weighted down with "deals for big business" and would "shortchange American workers." He was one of only 13 Democrats voting against the trade pact.

His determination, fearlessness and unrelenting partisanship brought him acclaim and notoriety during 19 remarkable years as Ohio's junior senator.

"I think people know I vote in accordance with the dictates of my conscience, not with the political winds," he said in an interview last month. "There are people who hate me with a passion, but when I do meet them, I laugh and kid them, and I tell them I absolutely defend their right to be wrong."

His character was shaped by a work ethic cultivated during the Depression, a commitment to government activism personified by the New Deal, close ties with the American labor movement and an ethical grounding in Reform Judaism.

"I always worked," he said.

A lean upbringing in Cleveland's Glenville neighborhood fueled his resentment for a system that he saw as stacked against the little guy. Brushes with anti-Semitism opened his heart to the plights of other minorities and persecuted groups.

POPULARITY DEFIED LOGIC

Metzenbaum's national stature grew as he gained power and influence in the Senate, yet there was no mellowing. He could be vitriolic, blustery and reckless even with retirement looming at the age of 77.

He never shed his partisan image.

Political analysts puzzled for decades over the secret to his electoral success: How did

an acerbic, left-wing ideologue, out of step philosophically with many of his constituents in a Republican-leaning state, become one of the most dominant public figures in Ohio history?

"There is no question that in my political career I have taken strong stands. No question some people were very unhappy with those stands," he said at his last Senate news conference. "But fortunately, enough people decided they were positions of conscience or conviction and they respected me for it. Therefore, a number of them voted for me and I was able to remain in office."

He was a curmudgeon, the last angry liberal.

In 1988, his final campaign, he vanquished Cleveland Mayor George V. Voinovich by 588,000 votes. Results strongly suggested more than 1 million Ohioans split their tickets, voting for both Metzenbaum and Republican President George Bush.

"He has been able to convert his liberalism into a populism that not only benefits people on the bottom rungs of the ladder, but also the middle class," Ohio State University political scientist Herb Asher once said. "That's why he has been so successful in Ohio: Howard Metzenbaum is a fighter, and a fighter for us—the middle class."

Ohio Senate President Stanley J. Aronoff, who helped the late Robert Taft Jr. of Cincinnati defeat Metzenbaum in Metzenbaum's first Senate bid 24 years ago, said "voters have a propensity to like him or dislike him—very little in-between."

"The interesting thing with Metzenbaum is that, as time went on, he was able to become comfortable even in conservative Cincinnati," Aronoff added. "In some respects, even though his philosophy would be leftist, he came to be regarded as conservative."

CONSISTENCY APPLAUDED

John C. Green, director of the University of Akron's Raymond C. Bliss Institute for Applied Politics, explained it this way: Metzenbaum, he said, had a "tremendous knack for being right about issues people care about"—job security, pensions, workplace safety, cable television rates and a raft of consumer issues.

Conversely, his battles on Capitol Hill against the Central Intelligence Agency, multi-national corporations—or in favor of gays in the military—were of little consequence to average, working Ohioans.

"Talking to people we hear over and over again, 'I don't like Metzenbaum, I don't agree with him, but I always know where he stands and I admire him for that,' Green said. "Although he was perhaps more liberal on many issues than Ohioans were, Sen. Metzenbaum has been remarkably consistent."

A Republican critic, media consultant Roger J. Stone, was less generous.

"Two words," he said when asked to explain Metzenbaum's electoral success, "luck and money."

Metzenbaum's fund-raising prowess was unmatched by any other Ohio politician. He raised a record \$8 million to battle Voinovich, taking from union members, Hollywood stars, the arts community and liberal-oriented interest groups. He was never shy about asking.

MENTOR AND TORMENTOR

For years, Metzenbaum was said to be hated by Republicans, unloved by his staff and disrespected by reporters, many of whom saw him as a shameless publicity-monger. There was some truth to all those observations, but Washington loves success. Metzenbaum converted many of his critics because he was effective at what he did.

Joel Johnson, his administrative assistant for most of his last term, said he had been

both a "mentor and a tormentor" to his staff.

He was fiendish about punctuality, demanded that work be nearly perfect, and read the riot act in unsparing, colorful language when an aide let him down.

"We were all pretty tough," said Barry Drenfeld, a Cleveland native who started as a mailroom clerk for Metzenbaum in 1974 and later became his legislative director. "It was a hyper place."

At a Capitol Hill retirement party for the old tiger during the final week of the Senate session, dozens of former staffers nodded as Johnson's voice cracked as he said how proud he was to work for Metzenbaum, a tough boss who inspired loyalty.

There were no tears from the Republicans or the reporters. But they came to his party—from crusty Strom Thurmond, the one-time Dixiecrat and only senator older than Metzenbaum, to Doug Lowenstein, the journalist Metzenbaum credits for hanging the nickname "Headline Howie" on him. Lowenstein eventually worked as a legislative assistant for Metzenbaum.

His decision not to seek a fourth term opened the door for a Republican, Mike DeWine, who defeated Metzenbaum's son-in-law, Joel Hyatt, in the campaign for the open Senate seat in November. But Metzenbaum battled to the wire, a whirl of activity as the clock ran out on the 103rd Congress.

BASEBALL OBSESSION

He made a pest of himself trying to convince the Senate it should jump into the baseball strike, stripping the owners of their antitrust immunity so the players union could take them to court.

His contempt for the millionaire owners, passion for anti-monopoly laws and instinct for media attention drove him, even while friends like Sen. Tom Harkin of Iowa implored him to drop the issue. He seemed oblivious to the fact that the ballplayers he supported were a far cry from the blue collar trade unionists he stood up for as a labor lawyer in the 1950s and 1960s.

On Sept. 30, Metzenbaum ignored his pals' pleas and struggled in vain to get his antitrust amendment attached to another bill. But that wasn't the only item on the agenda. The same day, he fired off a letter to President Clinton, urging him to fire CIA Director James Woolsey for his handling of the Aldrich Ames spy case.

On Oct. 8, the Senate's last day of regular business, he had "holds" on a half-dozen bills and was threatening to block a dozen more. Sen. Carl Levin, the Michigan Democrat, said his office had forms to keep track of bills that were stalled: "a box for Republican holds, one for Democrats, and one for Sen. Metzenbaum."

HE DID IT HIS WAY

Howard Morton Metzenbaum was born on Chesterfield Ave. on Cleveland's East Side on June 4, 1917.

His father, Charles Metzenbaum, was a wholesale jobber who sold bankrupt stocks during the Great Depression. "They were struggling to eke out an existence," he says of his father and mother, Anna. "They were wonderful parents. I found no fault with them at all."

No fault. That's about it. He is devoted to Shirley Metzenbaum, his wife of 48 years, but he doesn't talk much about the family he grew up with. When he does, it is with a certain detachment.

An older brother, Irwin, once ran unsuccessfully for the Ohio Senate and lives in obscurity in Cleveland. A cousin, Jimmy, served in the Ohio legislature, immediately preceding Metzenbaum, who was elected to the Ohio House in 1942. Years later an uncle,

Myron Metzenbaum, developed the "Metzenbaum scissors," a surgical tool common in operating rooms.

"I cannot explain why I am the way I am," said a man not given to introspection. "I cannot think of any individual who molded me."

No teacher, no mentor, no guru. He did it on his own.

Metzenbaum hurried through Glenville High School, running track for the Tarblooders and once racing against the great Jesse Owens, then at East Tech, who left him in the dust.

And he worked.

In high school, he sold magazines and hauled groceries in a wagon to housewives at 10 cents a delivery.

He owned a car before he was old enough to drive. An older boy operated an unlicensed livery service for him, ferrying patrons to a race track. The business was short-lived. He woke up one morning, and the car, a 1926 Essex, was gone. His dad had sold it to make a mortgage payment on their home.

Worse still, he and Alva "Ted" Bonda, a lifelong friend and business partner, tried to sell class rings at Glenville, but their entire inventory was stolen from a school locker. "The person we bought them from bothered us for years," Bonda said, laughing at the debacle. "I think that's why Howard became a lawyer."

At Ohio State University, he ran a bike rental business and played trombone for 50 cents an hour in a youth orchestra. During law school, he began drafting legislation for state lawmakers.

He scalped tickets and sold mums outside Buckeye football games and hit the road from time to time with a carload of consumer items. Driving through towns like Findley and Fremont, Metzenbaum and partners sold shopkeepers razor blades, toiletries, pencils, and—yes, the old rumor is true—condoms.

"The police would hassle you, because condoms at that point were sort of something dirty or smutty," he recalled.

#### LEFTWARD TILT BEGINS

War broke out in Europe. Metzenbaum, despite his allegiance to Franklin D. Roosevelt, initially questioned U.S. involvement. He was embarking on a dangerous flirtation with the far left—associations that would haunt him throughout his career.

Metzenbaum said he conducted himself in a way that no one ever thought or suggested he was a communist—"Well, I won't say nobody."

Some did regard him as a fellow traveler. He had been a member of the National Lawyers Guild and a co-founder of the Ohio School of Social Sciences—organizations regarded as communist fronts by red-hunters of the 1940s and 1950s.

Metzenbaum was red-baited in the 1970 campaign against Taft, and again in 1987 when an old rival sprang to his defense. A briefing paper urged GOP candidates to use his past connections to brand Metzenbaum a "communist sympathizer." Sen. John Glenn, Ohio Democrat, a bitter foe of Metzenbaum in the Democratic primaries of 1970 and 1974, was among the first to denounce the paper, material prepared by the National Republican Senate Campaign Committee.

The material was scrapped, but the irony couldn't be missed: Metzenbaum, for all his left-wing leanings, is a capitalist of the first order.

He started out as a tax consultant when he found the prestigious law firms were not hiring "nice young Jewish lawyers," as he put it in a 1988 Plain Dealer Sunday Magazine article.

He jumped into politics in 1942, right after law school, serving first in the Ohio House,

then in the Ohio Senate where he sponsored a groundbreaking fair-employment act.

He remained in Columbus until 1950, leaving after he lost a bid to become majority leader. He suspects anti-Semitism was to blame; he can still tick off the names of the five state senators who turned against him.

#### BUSINESS BLOSSOMS

After the war, he and Bonda and a third partner, Sidney Moss, got interested in the rental car business, but soon realized there was more money to be made in airport parking lots. At the time, airports were still on the order of tourist attractions. Most travelers used trains or buses.

"There was no organized parking at airports," Bonda said, "it was just free parking."

Not for long. APCOA—Airport Parking Co. of America—made them millions of dollars, branching out with well-lighted, guarded lots at dozens of airports. The partners sold APCOA to ITT in 1966 for an estimated \$6 million.

It was the first of many profitable ventures for Metzenbaum and Bonda, including the suburban Sun Newspapers, and part-ownership in the Cleveland Indians. Some enterprises used union labor; others kept unions out.

Metzenbaum married, reared four daughters and kept his finger in politics and the labor movement. He served as counsel to the Ohio AFL-CIO.

He marched in Selma with Martin Luther King Jr. and Viola Liuzzo.

In 1958, he managed the campaign of the cantankerous Stephen M. Young to a stunning upset victory over Sen. John Bricker, a diehard Republican conservative. Six years later, he helped Young win again, this time over Robert Taft Jr.

#### GOING FOR THE BIG TIME

By 1970, Metzenbaum, his fortune made, his family secure, decided to re-enter politics. All he had to do was defeat a national hero—astronaut John Glenn, who was also seeking the Democratic Senate nomination.

That race was recalled at his farewell bash in October as a number of old friends wore buttons from that campaign, proclaiming, "I'm a Metz fan."

Little known outside the Cleveland area, he ran a brilliant campaign against the overconfident Glenn. He used television advertising extensively—a pioneering effort by Ohio standards—and emphasized bread-and-butter issues.

Organized labor closed ranks behind him. The young consumer movement embraced him. He even capitalized on the success of the miracle New York Mets, using the "Metz fan" slogan.

He upset Glenn but lost to Taft in the general election. Four years later when William Saxbe gave up Ohio's other Senate seat to become attorney general, Gov. John J. Gilligan, at the urging of union leaders, named Metzenbaum to the open seat.

Glenn was furious and immediately challenged Metzenbaum in the bar-knuckled 1974 Senate Democratic primary—the Civil War of Ohio politics.

It was a low point for Metzenbaum, one of many in his mercurial career.

When Metzenbaum suggested that "Col. Glenn," a Marine career officer, had never held a real job, Glenn unloaded on him:

"Go with me and tell a Gold Star mother her son didn't hold a job. Go with me to Arlington National Cemetery. . . ." He lectured his opponent, who, because of substandard eyesight, had never served in the military.

Glenn won. Metzenbaum had to wait until 1976, when he finally unseated Taft in what was almost certainly his last chance to win a big one.

But the feud with Glenn lasted for years. The two men hardly spoke during Metzenbaum's first term. Glenn refused to expressly endorse him for re-election in 1982.

They reconciled at mid-decade, and worked well together when Democrats recaptured the Senate majority in 1986.

"I've been waiting 20 years to say this," Glenn said at Metzenbaum's goodbye party, "come January of 1995, I'll be the only one of us who has a job."

#### THE METZENBAUM STYLE

Metzenbaum's big mouth and perpetual wheeling and dealing got him in trouble.

In 1974, 22 Republican senators voted not to seat the freshman Metzenbaum because of his dispute with the Internal Revenue Service over a five-year-old tax liability. The millionaire entrepreneur hadn't paid any federal income taxes in 1969.

"That didn't bother me," he said. "I stood there in back and I said, 'Incredible. Howard Metzenbaum's the subject of a Senate debate. Isn't that great?'"

Metzenbaum was embarrassed by the revelation in 1983 that he accepted a \$250,000 "finders fee" for putting together a seller and buyer for the elegant Hay-Adams Hotel, a block from the White House. Insisting all the while he had done nothing wrong, he eventually gave back the fee, with interest.

He called his clumsy performance in the Anita Hill-Clarence Thomas hearings in 1991 a "low point" in his political career. Charges that one of his staffers had leaked Hill's sexual harassment allegations to the media knocked him off balance.

Foreign affairs were not his forte. He once called for the assassination of Libyan dictator Moammar Gadhafi—and he praised Iraq's Saddam Hussein as a potential peacemaker, before the Persian Gulf war.

A lifelong opponent of capital punishment, he disappointed many of his closest supporters in 1987 when, with re-election coming up the next year, he backed the death penalty for drug kingpins in federal cases.

"In retrospect," he said recently, "I am not positive whether there was some rationalization about that decision or not."

He rarely had doubts about which course to take. He didn't hesitate in opposing a popular constitutional amendment banning desecration of the American flag, for instance.

But he almost voted for the Gramm-Rudman deficit reduction plan—wrestling free from a panicked aide trying to stop him—and the advocacy of his close friend Sen. Paul Simon sorely tempted him to back a balanced budget law.

#### Pernial roadblock

Despite a productive third term, Metzenbaum will be most remembered for what he stopped, rather than what he pushed through the legislative maze. He was a master of the filibuster and an upsetter of the pork barrel. He had a Holmesian knack for finding the mischievous language hidden in legislation.

"The first major decision that Howard made was a break with a new president and filibuster on decontrol of natural gas prices," Drenfeld said, recalling the senator's battle with President Carter in 1977. He said Metzenbaum's attitude was, "I will do whatever it takes."

Metzenbaum lost and later had to admit deregulation didn't cause the price explosion he feared.

As he said in announcing his retirement last summer, "I've won my share of battles and fought my share of lost causes."

He was so proficient at weeding out waste, extravagance and special interest projects that the Washington Post headlined a 1982 news story: "Thank God for Metzenbaum!"

He stopped the free transfer of a federal railroad to Alaska, exposed a timber industry giveaway in the same state and shut down a multi-billion tax break for the oil industry—to name a few battles won.

It was often said he saved taxpayers billions, yet he frequently appeared on "big spender" lists put out by conservative groups targeting lawmakers enamored of social spending and redistribution-of-wealth tax policies.

He frequently got knocked down. He failed to bar companies from replacing strikers with permanent new hires; had little success in his war against the insurance industry, often fell short in bids to deny antitrust exemptions to various concerns, including baseball.

"Howard Metzenbaum seemed to go out of his way to antagonize business," said Jack Reimers, immediate past president of the Ohio Chamber of Commerce, recalling Metzenbaum's Ohio Senate days. "He was the epitome of the anti-business politician—he thrived, savored and sought to be viewed that way."

He infuriated colleagues too, making lasting enemies who waited for chances to torpedo his bills. "One man's pork is another man's building project," noted one former House member.

Rep. David L. Hobson, a Springfield Republican respected on both sides of the aisle, said the senator from his home state never opened a line of communication with him.

"We don't have any contract with Metzenbaum—none," said Hobson. "You know what people say to me? 'That's Howard.'"

#### CHAMPION OF CAUSES

When he joined the Senate majority in 1987, Metzenbaum was determined to show he could legislate constructively. He compiled a solid if unspectacular record of accomplishment.

The Ohioan passed legislation forcing companies to give workers 60 days notice of a plant shutdown, ordering the food industry to put nutrition labels on its products, and making bankrupt companies honor their pension commitments.

He was a burr under the saddle of the National Rifle Association. He sponsored the Brady handgun waiting-period law and co-sponsored the assault weapons ban. He led the successful fights to ban armor-piercing bullets and guns that cannot be identified by airport metal detectors.

He wrote the key age discrimination law and was co-sponsor of the Civil Rights Act of 1991. He was one of Israel's best friends on Capitol Hill and a consistent voice for organized labor.

Sen. Ernest Hollings, a South Carolina Democrat, angered by Metzenbaum's interruptions during a debate, once referred to him as "the senator from B'nai B'rith."

He championed laws for the smallest of constituencies. He provided incentives for drug manufacturers to develop "orphan drugs" for treatment of rare diseases. Typical of Metzenbaum, when he discovered some of the drug firms were reaping big profits, he tried to trim back the incentives.

He won breakthrough federal funding for Alzheimer's research, watched out for migrant workers, and was always protective of America's children. One of the last bills he got enacted—and one of his proudest achievements—will make it easier for couples to adopt a child from a different race.

His dedication to the wellbeing of children, his adoration of Shirley, his delight in his grandchildren—that was his softer side.

"He is not the same man who came here 19 years ago. He had a chip on his shoulder. He was demanding and impatient and wanted to

accomplish a lot," said Johnson. "He changed. He grew and matured."

#### BACK TO THE FUTURE

To this day, he thinks he could have defied the Republican landslide and won re-election this year, had he chosen to run again. But even in semi-retirement, as president of the Consumer Federation of America, he will be in the face of the business interests he fought for years.

Take one last look at his Senate office in the Russell Building on Capitol Hill. It is a revelation, nothing less than a small gallery of contemporary art.

Instead of the tiresome grip-and-grin photos with presidents and other luminaries, the works of Red Grooms, Robert Rauschenberg and Frank Stella—all Metzenbaum intimates—are on display.

He and Shirley nurtured the artistic communities in Washington and Cleveland.

His instincts for good art, a good deal, and good politics seldom failed him.

He was prescient in his maiden Senate speech. On April 10, 1974, he scolded his new colleagues for their leisurely pace—for running an "elephantine government that moves clumsily to set policy by reacting to crisis."

"The people pay a terrible price," he said. "No wonder the people are angry—they have a right to be." ●

#### CORRECTION

● Mrs. HUTCHISON. Mr. President, yesterday while introducing the letter from Col. William Barrett Travis, I read from the wrong notes and misstated the date of the Texans' victory at San Jacinto. March 2 is the birthday of Sam Houston, the anniversary of the signing of the Texas Declaration of Independence, and the day we honor as the birthday of our State. Of course, the victory at San Jacinto occurred the following month on April 21, 1836. ●

#### TEMPLE EMANU-EL

● Mr. MOYNIHAN. Mr. President, this spring Temple Emanu-El in New York City celebrates its sesquicentennial. This vibrant house of worship is both the largest Jewish congregation in the world and the fountainhead of America Reform Judaism.

Dr. Ronald Sobel, Temple Emanu-El's distinguished senior rabbi, has prepared a brief history of this dynamic temple which I believe will be of great interest to Members of the Senate. I ask that this history of Temple Emanu-El be printed in the RECORD.

The history follows:

#### THE CONGREGATION: A HISTORICAL PERSPECTIVE

(By Dr. Ronald B. Sobel, Senior Rabbi)

The Jewish historical experience is inextricably interwoven with the history of Western civilization. It is the story of a minority interacting reciprocally with large complex societies and cultures. Therefore, unlike the history of any other people or civilization, the historical experience of the Jewish people cannot be viewed or analyzed in isolation. In this respect there are no historical analogs.

From the dawn of civilization in the ancient Near East to the post-industrial era of our own time, Jews have been a part of and remained apart from each circumstance en-

countered in history. They have created responsive forms appropriate to the cultures and societies in which they have lived throughout the globe for almost four thousand years. The Jewish people became experts in creative adaptation.

However, there was and remains a single constant amid the bewildering responses to changing historical circumstances. The constant is a concept of unity, the affirmation that God is One and omnipotent. Commitment to this idea of oneness in nature and human nature did not breed repetitive conformity century after century, but rather produced creative diversity generation after generation. The concept of God's unity allowed the Jewish people to live, survive, and create amid changing historical realities; the concept of unity allowed for the diversity necessary for survival. It was and remains the mortar with which the Jewish people have built their many houses among many peoples.

The process of Jewish adaptation to the society and culture of the United States has been defined within the broader phenomenon known as "Americanization." It was a complex process and the many methodologies employed reflect the diversities of Jewish life. The Jews who came to the United States as immigrants defined their destiny as inseparably bound to the well-being of all Americans. They became passionate advocates of the American experiment in democracy.

Though the first Jews to arrive on these shores came as early as 1654, it was not until the mid-nineteenth century that sufficient numbers of Jewish immigrants were present to allow the forms and shapes of Americanization to emerge. It was during that time that Temple Emanu-El was founded. The Jews who established Emanu-El, and those who joined their ranks during the first decades of the Congregation's existence, were immigrants from Germany who sought to reorient themselves by adapting their individual lives and collective institutions to the new environment of American civilization. The congregation they created and the lifestyles they fashioned were only the most recent chapter in a long history of creative adaptation; what they accomplished was nothing new in the Jewish historical experience.

From the very beginning the United States provided a polity in which the freest Jewish community the world has ever known was able to develop and grow. It was, and remains, within this unique experiment in democracy that Temple Emanu-El originated and subsequently flowered to world prominence.

It is useful to understand the nature of Western European immigration to the United States in the nineteenth century in general, and German Jewish immigration in particular, to grasp fully the origins of Temple Emanu-El. The conservative reactions that dominated Europe following the final defeat of Napoleon created a climate wherein many of the dreams set in motion by the Emancipation and the French Revolution were considerably constrained. The climate of rigid conservatism inhibited liberal growth in religion, in politics, and in the social sphere. After unsuccessful attempts to change that conservative trend, many liberals, finding no future in Europe, turned to America. They came to these shores with the hope and dream that in this land the preciousness of personality would be cherished and the dignity of individuality honored. Among those who came from Western Europe in the late 1830s were the men and women who would soon found Temple Emanu-El.

In September 1884, a "cultus verein" (cultural society) was established on New York's